

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Craig Jevon Morrison, #15965-058,)	C/A No. 4:06-1294-JFA-TER
)	
Petitioner,)	
v.)	ORDER OF DISMISSAL
)	
Warden of FCI-Williamsburg; United States)	
of America,)	
)	
Respondents.)	
_____)	

This matter is before the court for review of the Magistrate Judge's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

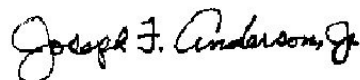
The petitioner, a federal inmate proceeding *pro se*, seeks habeas corpus relief pursuant to 28 U.S.C. § 2241. He claims that he is entitled to have his four years' supervised release period run concurrent with his 90-month sentence. He also claims that the sentencing judge did not have jurisdiction to sentence him to a period of supervised release.

The Magistrate Judge has filed a detailed and comprehensive Report and Recommendation suggesting that the § 2241 petition should be denied because the claims are cognizable under 28 U.S.C. § 2255, not 28 U.S.C. § 2241.

The parties were advised of their right to file objections to the Report and Recommendation. As of the date of this order, neither party has filed objections within the time limits prescribed by the local rules of this district.

The court has reviewed the record and the law in this matter and finds the Report of the Magistrate Judge to be proper. Accordingly, the Report is incorporated herein and the § 2241 petition is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, flowing style.

Joseph F. Anderson, Jr.
United States District Judge

July 26, 2006
Columbia, South Carolina